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5 | Attorneys for Secured Creditor,  
WACHOVIA MORTGAGE

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

10 In re: ) Bankruptcy Case No. 09-48725  
11 REFUGIO GUIZAR RIOS, ) Chapter 13  
12 )  
13 Debtor. )  
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15 )  
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18 )  
19 )

**OBJECTION TO CONFIRMATION OF  
CHAPTER 13 PLAN**

**MEETING OF CREDITORS:**  
DATE: November 05, 2009  
TIME: 12:00 PM  
PLACE: Oakland U.S. Trustee Office

20 TO THE HONORABLE LESLIE J. TCHAIKOVSKY, UNITED STATES BANKRUPTCY  
21 COURT JUDGE, THE CHAPTER 13 TRUSTEE, THE DEBTOR'S COUNSEL AND THE  
22 DEBTOR:

23 Wachovia Mortgage (“Wachovia”) is the holder of a secured claim recorded against property  
24 in which the Debtor has an interest. Wachovia is, therefore, a party in interest and has standing to  
25 object to the Debtor’s Chapter 13 Plan.

26 Wachovia is the holder of a claim secured only by a security interest in real property  
27 commonly known as 7630 Ney Avenue, Oakland, California. The total amount that is due and  
28 owing under the Promissory Note is \$368,731.29 and the pre-petition arrearage owed is \$26,198.25.

1 A true and correct copy of Wachovia's Proof of Claim is attached and incorporated as Exhibit "1."  
2 Wachovia objects to the Debtor's Plan on the following grounds:

3 The Debtor's Plan fails to provide that post-petition monthly mortgage payments are to be  
4 tendered to Wachovia by the Debtor outside the Plan. The Plan also does not provide for the curing  
5 of the pre-petition arrears owed. See Exhibit "1" attached hereto. As the Plan does not provide for  
6 payment of the secured claim, the Plan does not satisfy §1322 or §1325.

7 Based on the foregoing, Wachovia respectfully requests that the Court deny confirmation of  
8 the Debtor's Chapter 13 Plan or order that the Chapter 13 Plan be amended to provide for payments  
9 of Wachovia's pre-petition arrearages and post-petition monthly mortgage payments.

10 DATED: November 07, 2009

Respectfully Submitted,

11 MALCOLM CISNEROS, A Law Corporation

12  
13 /s/William G. Malcolm  
14 WILLIAM G. MALCOLM  
15 Attorney for Secured Creditor,  
16 WACHOVIA MORTGAGE  
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## **PROOF OF SERVICE**

2 STATE OF CALIFORNIA      }  
3 COUNTY OF ORANGE      }      SS.

4 I am employed in the County of Orange, State of California. I am over the age of eighteen  
5 and not a party to the within action; my business address is: 2112 Business Center Drive, Second  
6 Floor, Irvine, California, 92612.

7 On November 07, 2009, I served the following document described as **OBJECTION TO**  
8 **CONFIRMATION OF CHAPTER 13 PLAN** on the interested parties in this action by placing a  
9 true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United  
10 States mail at Irvine, California (**and via telecopy or overnight mail where indicated**), addressed  
11 as follows:

Refugio Guizar Rios  
3715 International Blvd.  
Oakland, CA 94601

Steven L. Jacobs  
14895 E. 14<sup>th</sup> St. #390  
San Leandro, CA 94578

Martha G. Bronitsky  
P.O. Box 5004  
Hayward, CA 94540

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 07, 2009, at Irvine, California.

Keri Livingston  
/s/Keri Livingston  
**KERI LIVINGSTON**